

GAO

Report to the Chairman, Subcommittee  
on Human Resources, Committee on  
Ways and Means, House of  
Representatives

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May 1997

# FOSTER CARE

## State Efforts to Improve the Permanency Planning Process Show Some Promise



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United States  
General Accounting Office  
Washington, D.C. 20548

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**Health, Education, and  
Human Services Division**

B-270234

May 7, 1997

The Honorable E. Clay Shaw, Jr.  
Chairman, Subcommittee on  
Human Resources  
Committee on Ways and Means  
House of Representatives

Dear Mr. Chairman:

The mid-1980s through the mid-1990s witnessed dramatic increases in the number of children placed in foster care to protect them from abuse and neglect at home. From fiscal year 1984 to 1995, the foster care population rose from an estimated 276,000 children to 494,000.<sup>1</sup> In 1995, states received more than \$2.8 billion in federal assistance for approximately half of these 494,000 children in foster care.<sup>2</sup> The Congressional Budget Office estimates that by 2001, federal costs will rise to \$4.8 billion with caseloads of federally assisted foster care children increasing by almost 26 percent. Longer stays in foster care have contributed to these rising costs. Many of these children are among the nation's most at risk for future problems, having suffered the effects of both physical and emotional abuse, and poverty.

The continued growth in the foster care caseload and its associated costs, as well as the likely adverse effects of long stays in foster care on children, increase the importance of quickly finding permanent placements for children. These placements can range from reuniting children with their parents, to finding adoptive homes and, in increasing numbers, to placing foster children with relatives. Yet navigating the child welfare system in pursuit of permanent homes for these children can be a daunting task. State child welfare agencies—working with many players that include the courts and public and private service providers—guide a child through temporary or shelter placements, multiple court hearings, and, as often happens, more than one foster family placement. This circuitous and burdensome route to a permanent placement can often take years, cost

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<sup>1</sup>The American Public Welfare Association estimated these numbers on the basis of data voluntarily reported by the states; it designated the 1995 number as preliminary.

<sup>2</sup>Under title IV-E of the Social Security Act, federal matching funds are provided to states for foster care maintenance costs for children from families eligible for Aid to Families With Dependent Children (AFDC). Although legislation passed in 1996 eliminated the AFDC program, children who meet the 1995 eligibility criteria for AFDC will continue to be eligible for title IV-E assistance. The states incur all foster care costs for children not eligible for federal support.

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thousands of dollars for each child, and have serious emotional consequences for the children.

The federal government plays an important role in financing foster care and establishes minimum procedural requirements for the placement process. The Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272) requires that states conduct a permanency hearing within 18 months after a child enters foster care to determine the future status of the child.<sup>3</sup> If a final decision is not made, then additional hearings must be held at least every 12 months. During this time, to be eligible for federal foster care funds, states are required to facilitate the reunification of parent and child or, if those efforts fail, begin the process of terminating parental rights or finding a long-term foster care placement.

Because of your concerns about the length of the permanency planning process and your interest in improving foster care, you asked us for information about state efforts to hasten the process and ultimately reduce the time a child spends in foster care. More specifically, you asked us to determine (1) what statutory and policy changes states have made to limit the time allowed to determine permanent placements for foster children, (2) what changes states or localities have made in their operations in an attempt to achieve more timely permanent placements and what the impact of those changes has been, and (3) what factors officials believe helped them meet the challenges of achieving more timely permanent placements.

In conducting this work, we collected and summarized state statutory and policy changes that limited the time allowed for permanent placement hearings. We also interviewed officials and collected program information from six states—Arizona, Georgia, Kansas, Kentucky, Ohio, and Tennessee—on initiatives that had been implemented between 1987 and 1992 and were expected to achieve more timely permanent placements for foster children. A complete discussion of our scope and methodology appears in appendix I.

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<sup>3</sup>At the permanency hearing, the choices that can be made regarding the future status of the child can include reunifying the child with his or her family, continuing the child in foster care for a specified period, placing the child for adoption, or continuing the child in foster care on a permanent or long-term basis because of the child's special needs or circumstances. This hearing must be held in a family or juvenile court or another court of competent jurisdiction or by an administrative body appointed or approved by the court. Although the hearing must be held, the law does not require that a final decision on the status of the child be made.

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## Results in Brief

Signaling the importance of a permanent placement to the well-being of children, 23 states have enacted laws establishing requirements regarding the timing of the permanency hearing that are more stringent than those under federal law. Federal law requires a hearing within 18 months after the child's entry into foster care. An additional three states, while not enacting such statutes, have imposed similar requirements as a matter of policy.

Statutory or policy changes alone, however, are not sufficient to resolve the final placement of foster children more quickly. The states we reviewed have made changes in their operations to facilitate reunifying children with their families, expedite terminating parental rights when reunification efforts have failed, or modify the role and operations of the court both to streamline the process and to make well-informed permanent placement decisions. While these initiatives focus on certain stages of the permanency planning process, such as when a child first enters foster care, two states are implementing major changes to their overall foster care systems.

Although initiatives are in place, most of these states have not systematically evaluated the impact of them, and data concerning these efforts were limited. However, most states did report that many of these initiatives contributed to reducing the time spent in foster care or decreasing the total number of placement changes while a child is in foster care. For example, Tennessee's Wraparound Funding Project focused on removing economic barriers to reunification. State officials credited the effort with helping to reunite children with their families more quickly by allowing caseworkers to provide services such as payment for respite care, rent, utility bills, or car repairs, which they were previously unable to provide because of restrictions on the use of foster care funds. In Kentucky, a state report indicated that once the decision to terminate parental rights was made, the Termination of Parental Rights Project reduced the time it takes to complete the termination procedure by about 1 year, making it possible for adoption proceedings to begin earlier.

State officials identified a number of factors that helped them meet the challenges involved in making changes. In some cases, child welfare officials and staff had to undergo significant culture change, modifying long-held views about the merits of pursuing termination of parental rights versus family reunification. They found that changing the way they approached making decisions about the well-being of children and their families was a lengthy process. To implement these initiatives

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successfully, program officials believed that it was necessary to have the long-term and active involvement of key officials at all levels, including the governor, legislators, and agency officials as well as caseworkers, service providers, attorneys, and judges. This participation was essential to define the problem and reach consensus. Doing so required considerable coordination efforts and an extended commitment of resources.

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## Background

State child welfare systems consist of a complicated network of policies and programs designed to protect children. Today, these systems must respond to growing numbers of children from families with serious and multiple problems. Many of these families also need intensive and long-term interventions to address these problems. With growing caseloads over the past decade, the systems' ability to keep pace with the needs of troubled children and their families has been greatly taxed. In addition, the continued growth in caseloads expected over the next few years will give child welfare agencies little relief.

When parents or guardians are unable to care for their children, state child welfare agencies face the difficult task of providing temporary placements for children while simultaneously working with a wide array of public and private service providers, as well as the courts, to determine the best long-term placement option. The permanency planning process is guided by federal statute and typically occurs in stages requiring considerable time. Finding an appropriate placement solution is extremely difficult because it often involves numerous steps and many different players.

In each case, states must make reasonable efforts to prevent the placement of a child in foster care. If the child must be removed from the home, states are required under the Adoption Assistance and Child Welfare Act to take appropriate steps to make the child's safe return home possible. Once removed, if reunification with the parents cannot be accomplished quickly, a child will be placed in temporary foster care while state child welfare agencies and community service providers continue to work with the parents in hope of reunification. To be eligible for federal funding, the state must demonstrate to the appropriate court that it has made reasonable efforts to prevent out-of-home placement and to reunify the family. Federal law further requires that placement be as close as possible to the parent's home in the most family-like setting possible.

To guide the permanency planning process by which a state is to find permanent placements for foster care children, the act also requires that

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the state develop a case plan for each child within 60 days of the time the state agency begins providing services to the child. This plan must describe services to be provided to aid the family and must outline actions that will be expected of various agencies and family members to make reunification possible. States are then required to hold reviews every 6 months before a court or administrative panel to evaluate progress made toward reaching a permanency goal.<sup>4</sup> If progress toward reunification cannot be made, state agencies often face the arduous task of either preparing a case for the termination of parental rights or finding a long-term foster care placement. The federal requirement of conducting a permanency hearing within 18 months serves to ensure that child welfare agencies focus on determining a permanent placement, including return to the family or adoption, in a timely manner rather than continuing a child in foster care.

For abused and neglected children, living with their parents may be unsafe. Yet foster care is not an optimal situation, especially not as a permanent solution. State child welfare agencies and the courts are confronted with the dilemma of whether to reunite families as quickly as possible or keep the children in foster care with the expectation of future reunification. They must also determine at what point to abandon hope of reunification, terminate the parents' rights, and initiate a search for an adoptive home or other permanent placement for the child. If children are reunited with their families too quickly, they may return to foster care because the home environment may still be unstable. On the other hand, when children remain in foster care too long, it is difficult to reestablish emotional ties with their families. Furthermore, the chances for adoption can be reduced because the child is older than the most desirable adoption age or has developed behavioral problems.

Determining an appropriate placement option for children quickly is of twofold importance. First, finding permanent placements for children removed from their families is critical to ensure their overall well-being. Children without permanent homes and stable caregivers may be more likely to develop emotional, intellectual, and behavioral problems. A second reason for placing children more quickly is the financial costs of children remaining in foster care. The federal share of the average monthly maintenance payment for title IV-E was \$574 in 1996. While some options

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<sup>4</sup>During these periodic reviews, states must determine if continued temporary placement is necessary and appropriate, whether the permanency plan is being adequately followed, and what degree of progress has been made toward reunifying the family. States must also project a likely date for achieving a permanency goal. If not reviewed by a court, these periodic reviews may be held before panels including those formed by a child welfare agency or a panel of area citizens.

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for permanent placements, such as providing long-term support to a relative to care for a child, may not realize cost savings, other options, such as adoption, will reduce foster care costs. Title IV-E payments, between fiscal years 1984 and 1996, increased from \$435.7 million to an estimated \$3.1 billion.

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## Statutory and Policy Changes Require States to Hold First Permanency Hearing Sooner

The prolonged stays of children in foster care have prompted states to enact laws or policies to shorten to less than the federally allowed 18 months the time between entry into foster care and the first permanency hearing at which permanent placement is considered. As shown in figure 1, 23 states have enacted such laws, with a majority of these requiring the hearing to be held within 12 months. In two states, the shorter time frame applies only to younger children. Colorado requires the permanency hearing be held within 6 months for children under 6, and Washington requires the hearing to be held within 12 months for children 10 years old or younger. An additional three states, while not enacting such statutes, have policies requiring permanency hearings earlier than 18 months. For a description of the 26 state statutes, policies, and time requirements, see appendix II. The remaining 24 states and the District of Columbia have statutes consistent with the federal requirement of 18 months.





permanency decision be determined after a limited extension period. Ohio, for example, requires a permanency hearing to be held within 12 months, with a maximum of two 6-month extensions. At the end of that time, a permanent placement decision must be made. According to officials in Ohio's Office of Child Care and Family Services, this requirement was included in an effort to expedite the permanency planning process and reduce the time children spend in foster care. However, state officials also believed that this requirement may have had the unintended result of increasing the number of children placed in long-term foster care because other placement options could not be developed. State data, in part, confirmed this observation. While long-term foster care placements for children supported with state-only funds dropped from 1,301 in 1990 to 779 in 1995, long-term placements for children supported with federal funds rose from 1,657 to 2,057 for the same period. The reasons for the difference between these two groups are unknown.

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## States Make Changes in Permanency Planning Process With Some Positive Results for Foster Care Children

Although the states we reviewed did not systematically evaluate the impact of their initiatives, they implemented a variety of operational and procedural changes to expedite and improve the permanency process. Other efforts made changes to the operation of the courts and the use of resources available to them for making permanency decisions. These states reported that these actions have improved the lives of some children by (1) reuniting them with their families more quickly, (2) expediting the termination of parental rights when reunification efforts were determined to be unfeasible—thus making it possible for child welfare agencies to begin looking for an adoptive home sooner—or (3) reducing the number of different foster care placements in which they lived. States are also addressing changes in the permanency planning process through larger reform efforts of their child welfare systems. However, because these efforts were only recently implemented or were still in the initial implementation stage, no evaluation information on their effect was available.

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## New Service Strategies Help Reunification Efforts

Two states we reviewed implemented low-cost and creative methods for financing and providing services that address specific barriers to reunification. For example, Arizona's Housing Assistance Program focused on families where children had been removed and placed in state custody and the major barrier to reunification was inadequate housing for the family. In 1989, the state enacted a bill authorizing the use of state foster care funds to provide special housing assistance. According to state

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reports summarizing the program and statistics provided by Arizona Department of Economic Security officials, between 1991 and 1995, 939 children were reunited with their families as a result of this program, representing almost 12 percent of those children reunified during this period. This program saved the state over \$1 million in foster care-related costs between 1991 and 1995.

Also, Tennessee's Wraparound Funding Program allowed caseworkers to use state funds to provide services that removed economic barriers to reunification. These services were not typically associated with traditional reunification services and prior to this program were not allowable foster care expenditures. Examples include home or car repairs, utilities or rent payments, and respite care. According to a report summarizing the program, during one 6-month period in 1995, the program provided services to 1,279 children. A state Department of Children's Services official estimated that had these children remained in care as long as the average child in foster care, the state would have incurred an additional \$700,000 in state and federal foster care maintenance payments.

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## States Streamline Termination Procedures

Regarding other changes, Arizona and Kentucky placed special emphasis on expediting the process by which parental rights could be terminated. Arizona's Severance Project focused on cases where termination of parental rights was likely or reunification services were not warranted and for which a backlog of cases had developed. In April 1986, the state enacted a bill providing funds for hiring severance specialists and legal staff to work on termination cases. The following year, in 1987, the state implemented the Arizona State Adoption Project. This project focused on identifying additional adoptive homes, including recruiting adoptive parents for specific children and contracting for adoptive home recruitment activities. State officials reported that the Adoption Project resulted in a 54-percent increase in the number of new homes added to the state registry in late 1987 and 1988. In addition, they noted that the Severance Project contributed to a more than 32-percent reduction in the average length of stay between entry into care and the filing of the termination petition for fiscal years 1991 through 1995.

To reduce a backlog of pending cases, Kentucky's Termination of Parental Rights Project focused on reducing the time required to terminate parental rights once this permanency goal was established. This effort included retraining caseworkers, lawyers, and judges on the consequences of long stays in foster care and streamlining and improving the steps caseworkers

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must follow when collecting and documenting the information required for the termination procedures. A report on this effort indicated that between 1989 and 1991, the state decreased the average time to terminate parental rights by slightly over 1 year. In addition, between 1988 and 1990, the average length of stay for children in foster care decreased from 2.8 years to 2 years, and the number of different foster care placements for each child decreased from four to three.<sup>5</sup> However, as the number of children available for adoption rose, the state was forced to focus its efforts on identifying potential adoptive homes and shifted its emphasis to strategies to better inform the public about the availability of adoptive children.

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## Concurrent Planning Can Lead to Greater Efficiency

Tennessee's Concurrent Planning Program allowed caseworkers to work toward achieving family reunification while at the same time developing an alternate permanency plan if reunification efforts did not succeed.<sup>6</sup> The goal was to obtain permanency for the child by either (1) strengthening the family and reducing the risks in the home so that the child can be reunified with his or her family; or (2) verifying that the family cannot protect the child, meet the child's needs, or reduce the risks to the child in a timely manner and that termination of parental rights should be pursued. By working on the two plans simultaneously, caseworkers reduced the time required to prepare the necessary paperwork to terminate parental rights if reunification efforts failed.

Under a concurrent planning approach, caseworkers emphasize to the parents that if they do not adhere to the requirements set forth in their case plan, parental rights can be terminated. Since this program was initiated in 1991, state officials report that 70 percent of the children in the program obtained permanency, primarily through reunification, within 12 months of placement in foster care. Without this program the children would have stayed in foster care longer than 12 months. The officials attributed obtaining quicker permanency in part to parents making more concerted efforts to make the changes needed to have their children return home.

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<sup>5</sup>Report on Improving Practice: Termination of Parental Rights, Kentucky Department for Social Services (Sept. 1991).

<sup>6</sup>The program was used in cases involving children aged 8 and under.

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## Use of Community Resources and Streamlined Procedures Improve Court Functioning

All decisions regarding both the temporary and final placement of foster care children come through states' court systems. As a result, some states and counties focused attention on the courts' involvement in achieving permanency more quickly. Georgia's Citizen Review Panel Program created local advisory panels of private citizens within the child's community to assist judges in their review and decisions regarding foster care placements for each child in care. The objective of these panels is (1) to gather additional information regarding the placement options for each foster child—often information that cannot be collected by state agencies because of large caseloads and limited staff resources—and (2) to review compliance with court-ordered case plans to ensure that the state agencies are working toward permanent placements. The program operates in 56 counties and, in 1996, covered over 42 percent of Georgia's foster care population. The state reported that between 1994 and 1996, the review panels recommended that 5,855 children be placed for adoption, 10,845 children be reunified with their families, and 3,048 children remain in foster care.

In Hamilton County, Ohio, juvenile court officials focused attention on the court's involvement in achieving permanency more quickly by developing new procedures to expedite case processing. In 1985, they revised court procedures by (1) designating lawyers specially trained in foster care issues as magistrates to hear cases, (2) assigning one magistrate to each case for the life of that case to achieve continuity and consistent rulings, and (3) agreeing at the end of every hearing—while all participants are present—to the date for the next hearing. According to court officials, the county saved thousands of dollars because it could operate three magistrates' courtrooms for the cost of one judge's courtroom. Also, a report on court activities indicated that because of these changes, between 1986 and 1990, the number of children placed in four or more different foster care placements decreased by 11 percent and the percentage of children leaving temporary and long-term foster care in 2 years or less increased from 37 percent to 75 percent.

Even where improvements have been made, there can still be problems that are beyond the control of officials. According to reports prepared by court officials, between 1986 and 1989 the number of children in care in Hamilton County decreased 15 percent. However, in 1992, the number returned to the 1986 level of about 1,100 children and continued to increase through the first half of 1996 to about 1,500. According to court officials, a dramatic rise in crack cocaine use in the county contributed to

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this sharp increase. Child welfare agencies were unable to readily arrange for the increased services that these families needed.

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### Some Initiatives Attempt Systemwide Changes to Improve the Permanency Process

Some states are also addressing the need for quicker permanency as part of larger initiatives designed to make major changes in their foster care programs. One state plans to privatize foster care services. Another state has redesigned its foster care operating policies and procedures to improve outcomes for children. Because these efforts are recent, no information on results was available.

### Privatization Proposes Incentives for Speedier Placements

In 1996, Kansas began privatizing most child welfare services, including foster care. Two events contributed to this decision. First, because of rising state costs, the Governor directed all state agencies to consider privatizing services to reduce the size of the state workforce. Second, the state had settled a suit brought by the Kansas chapter of the American Civil Liberties Union citing unacceptable increases in the number of children in foster care and lengthy stays in care. The goal of privatization is to allow children in out-of-home placements to experience a minimal number of placements or to achieve permanency in their lives in the shortest time possible.

Kansas contracted with private social services agencies for family preservation services, foster and residential care, and adoption services. State officials continue to be responsible for determining if the original charges of dependency, neglect, or abuse are substantiated and to monitor contractor performance. The contracted service providers are responsible for providing all services to the families.

Under the contracts, providers will be paid a per-child rate, with a payment structure that pays contractors for results. For example, in the foster care contract, 25 percent of costs will be paid at the time of referral, 25 percent upon receipt of the first 60-day progress report, and 25 percent upon receipt of the 180-day formal case plan. The final 25 percent will not be paid until reunification or a permanent placement is achieved. If a child reenters care before 12 months have passed, the contractor is responsible for all the foster care maintenance costs for out-of-home placement.

### Agency Redesign Intended to Expedite Placement Decisions

Arizona also is pursuing major changes to its child welfare system. Arizona's Project Redesign was prompted by a number of fatalities of young children in foster homes in a very short time. Begun in 1994, this project focused on writing and implementing new child welfare policies

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and procedures with a goal of increasing caseworker contact with foster families and reducing caseworkers' caseloads and the length of time children spend in foster care.

The major activities of Project Redesign included rewriting policies and licensing rules, preparing a new supervisors' handbook, creating a mentoring program for new supervisors, developing and implementing a method to more equitably distribute workload among staff, and creating the Uniform Case Practice Record. This record methodically guides caseworkers through all the steps necessary to make a permanent placement decision. This helps ensure that all the needed information is available to the courts, thus preventing delays in the process.

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## States Have Not Assessed the Impact of Initiatives

Our efforts to assess the overall impact of these initiatives were hampered by the absence of evaluation data. In general, we found that the states did not conduct evaluations of their programs, and outcome information was often limited to state reports and the observations of state officials. While many of these efforts reported improvements, for example, in speeding the termination of parental rights once this permanency goal was established, the lack of comparison groups or quality pre-initiative data made it difficult to reach definitive conclusions about the effectiveness of these initiatives.

Several national efforts are under way that may improve the information available on foster children and facilitate states' design and implementation of systematic evaluations in the future. Nationwide, most states are currently designing or implementing Statewide Automated Child Welfare Information Systems as required under the title IV-E foster care program. These systems are to include case-specific data on all children in foster care and all adopted children placed or provided adoption assistance by the state or its contractors. From 1994 to 1996, federal funds have provided up to 75 percent of the costs of planning, design, development, and installation of these state systems. The Personal Responsibility and Work Opportunity Reconciliation Act (P.L. 104-193), enacted in August 1996, continues this enhanced federal match through 1997, at which time the federal match rate will be reduced to 50 percent. In addition, P.L. 104-193 appropriated funds for a national longitudinal study based on random samples of children at risk of abuse or neglect or

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determined by a state to have been abused or neglected. This study is to include state-level data for selected states.<sup>7</sup>

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## Key Factors Essential for Meeting Goals of New Initiatives

States increased their chances for successfully developing and implementing new initiatives when certain key factors were a part of the process. When contemplating changes, state officials had to take into consideration the intricacies of the foster care process; the inherent difficulty that caseworkers and court officials face when deciding if a child should be returned home; and the need in some cases to change the culture of caseworkers and judges to recognize that, in certain cases, termination of parental rights should be pursued. Some experts believe that current child welfare practices often discourage caseworkers from finding permanent placements other than with the biological parents. Officials in the states we reviewed recognized that addressing these challenges required concerted time and effort, coordination, and resources. These officials identified several critical, often interrelated, factors required to meet these challenges. These included (1) long-term involvement of officials in leadership positions; (2) involvement of key stakeholders in developing consensus and obtaining buy-in concerning the nature of the problem and the solution; and (3) the availability of resources to plan, implement, and sustain the project. The following two examples illustrate these concepts.

## Statewide Involvement Culminates in New Child Welfare Legislation

In the mid-1980s, Ohio officials began a multiyear effort that culminated with the state enacting a new child welfare law that became effective in January 1989. Before enacting this law, the legislature created a task force whose members were involved in planning throughout the drafting and passage of legislation. The task force was cochaired by a state senator and a representative. Other members included state and county child welfare agency officials, juvenile court judges, attorneys, and county commissioners. In addition, public hearings were held throughout the state that provided a forum for input from all parties interested in child welfare, including private citizens, service providers, caseworkers, judges, attorneys, and foster care parents.

By involving all interested parties and by providing numerous opportunities for input, state officials were able to develop consensus on the problems and solutions and obtain buy-in to the proposed solutions

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<sup>7</sup>The law states that the study yield data reliable at the state level for as many states as the Secretary of the Department of Health and Human Services (HHS) determines is feasible.



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from program staff. For example, there were numerous discussions about whether a specific time frame for remaining in temporary foster care should be stipulated. They ultimately compromised on 12 months plus two 6-month extensions.

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## Statewide Efforts Shorten Termination of Parental Rights Process

In 1988, to shorten the termination of parental rights process, the Kentucky Department of Social Services collaborated with seven other agencies to obtain a federal grant to develop new approaches to address this issue. As part of this effort and to ensure buy-in, the Secretary of Human Resources appointed a multidisciplinary advisory committee chaired by a chief Circuit Court judge. Other members of the committee included representatives from social service agencies, court officials, attorneys, the legislature, and child welfare advocacy groups. The committee met quarterly throughout the 2-year project.

Committee members recognized they needed to change the way caseworkers and members of the legal system viewed termination of parental rights. Many caseworkers had viewed terminating parental rights as a failure on their part because they were not able to reunify the family. As a result, they were reluctant to pursue termination and instead kept the children in foster care. Also, often judges and lawyers were not sufficiently informed of the negative consequences for children who do not have permanent homes. Thus, as part of this project, newsletters and training were provided about the effects on the child of delaying termination of parental rights.

After 2 years, many meetings, and retraining caseworkers, state officials reported that they had reduced the time to complete the termination of parental rights process by 1 year. Among the changes they believed contributed to this reduction were (1) simplifying the process caseworkers follow when providing termination of parental rights information to the attorneys that handle these cases and (2) using an absent parent search handbook, which was developed to assist caseworkers in conducting more timely and complete searches.

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## Conclusions

Many of the children in foster care are among the nation's most vulnerable citizens. The consequences of long spells in foster care and multiple placements, coupled with the effects of poverty, highlight the need for quick resolution of placement questions for these children. With the expected rise in foster care caseloads through the start of the next century

further straining state and federal child welfare budgets, increasing pressure will be placed on states to develop strategies to move children into permanent placements more quickly. Many of these initiatives will need to address the difficult issues of deciding under what circumstances to pursue reunification and what time is appropriate before seeking the termination of parental rights.

We found promising initiatives for changing parts of the permanency process so that children can be moved out of foster care into permanent placements more quickly. Developing and successfully implementing these innovative approaches takes time and often challenges long-standing beliefs. To succeed, these initiatives must look to local leadership involvement, consensus building, and sustained resources.

As new initiatives become a part of the complex child welfare system, however, they can also create unintended consequences. For example, if states are identifying appropriate cases for the quicker termination of parental rights and processing them more expeditiously—thereby freeing more children for possible adoption—additional problems can occur if efforts to develop more adoptive homes have not been given equal emphasis. Also, if states require more stringent time frames for holding permanency hearings, they must adjust to this shorter time to avoid placements based on expedience rather than careful deliberation about what is best for the child.

We also found that a critical feature of these initiatives was often absent: Many of them lacked evaluations designed to assess the impact of the effort. The availability of evaluation information from these initiatives would not only point to the relative success or failure of an effort but also such information could assist in identifying unintended outcomes. The absence of program and evaluation data will continue to hinder the ability of program officials and policymakers to fully understand the overall impact of these initiatives. Efforts are under way, however, to improve the availability of information on foster children.

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## Agency Comments

In its written comments on a draft of this report, HHS generally concurred with the conclusions in this report. It agreed that efforts to improve the timeliness of permanent placements are important and indicated that they are a priority of the department. HHS also commented that it would be useful to include a definition of permanency planning in the report, and we revised the report in response to this comment. Although federal

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requirements establish some guidelines, variation in state policies and priorities make the development of a single definition difficult. Finally, the department recognized the benefits of presenting different approaches to speeding the permanency planning processes while stressing the need for systemic changes. Because of the complex nature of the child welfare system, we agree that states and localities must consider the entire system when attempting to make reforms.

We have incorporated the department's technical comments into our report where appropriate. See appendix III for HHS' comments.

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We are sending copies of this report to the Secretary of HHS, state child welfare agencies, and other interested parties. Copies also will be made available to others on request. If you or your staff have any questions about this report, please call me at (202) 512-7215. Other major contributors to this report are listed in appendix IV.

Sincerely yours,

A handwritten signature in black ink, reading "Mark V. Nadel". The signature is fluid and cursive, with the first name "Mark" and last name "Nadel" clearly legible, and "V." as a middle initial.

Mark V. Nadel  
Associate Director,  
Income Security Issues

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## Abbreviations

AFDC	Aid to Families With Dependent Children
HHS	Department of Health and Human Services



# Scope and Methodology

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To identify states that have enacted laws or implemented policies establishing requirements regarding the timing of the first permanency hearing that are more stringent than those under federal law, we reviewed pertinent state legislation and policies of 50 states and the District of Columbia. We also discussed those laws and state policies with state legal and child welfare officials. Federal law allows the hearing to be held as late as 18 months after the child's entry into foster care, but state laws vary widely in the terms they use for various hearings. In cases where state law did not specifically identify a hearing as a permanency hearing, we asked for further clarification from state officials. If we determined that the state law was consistent with the federal requirement, we treated the required hearing as a permanency hearing.

To determine what changes states and localities have made to achieve more timely permanent placements and factors that contributed to their success, we first reviewed literature on foster care and permanency planning. In addition, we discussed permanency planning and permanent placement decisions with experts in the field, including child welfare officials in all 50 states and the District of Columbia. In the course of our discussions with state officials and experts, we identified specific state and local initiatives that were attempting to permanently place foster care children in a more timely manner.

We selected six states that had implemented initiatives that addressed making more timely permanent placements for children in foster care. The states were Arizona, Georgia, Kansas, Kentucky, Ohio, and Tennessee. Each state selected had at least one initiative that was implemented between 1989 and 1992, ensuring that we would be able to obtain historical information about the planning and implementation of those initiatives and that the initiatives had been in place long enough to have some impact. We included states that had initiatives that addressed different aspects of the permanency process. We also included states with statutory requirements for holding the first permanency hearing that were stricter than the federal requirement as well as states with requirements that were consistent with the federal requirement.

We conducted site visits in four of the six states—Georgia, Kansas, Kentucky, and Tennessee—and obtained information from Arizona and Ohio through telephone interviews. We interviewed state and county foster care and adoption officials and juvenile court officials and collected information on the initiatives, including descriptions of program goals and objectives and factors that facilitated change, reports on program results,

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and other statistical information on the foster care population. We did not verify program data from these states.

We did our work between January 1996 and January 1997 in accordance with generally accepted government auditing standards.

# States That Require a Permanency Hearing Earlier Than the Federal Requirement of 18 Months, as of December 31, 1996

State	Requirement for holding the permanency hearing <sup>a</sup>	Year law was enacted	State law citation	State policy/ regulation citation
Arizona	12 months	1995	Ariz. Rev. Stat. Ann., Section 8-515.C.(West Supp. 1996)	
Colorado	6 and 18 months <sup>b</sup>	1994	Colo. Rev. Stat., Section 19-3-702(1)(Supp. 1996)	
Connecticut	12 months	1995	Conn. Gen. Stat. Ann., Section 46b-129(d),(e) (West 1995)	
Delaware	17 months	1987		Child Protective Service Directive Policy #3026
Georgia	12 months	1996	Ga. Code Ann., Section 15-11-419 (j),(k)(1996)	
Illinois	16 months	1993	705 Ill. Comp. Stat. Ann., 405/2-22(5)(West Supp. 1996)	
Indiana	12 months	1996	Ind. Code Ann., Section 31-6-4-19(c)(Michie Supp. 1996)	
Iowa	12 months	1987	Iowa Code Ann., Section 232.104 (West 1994)	
Kansas	12 months	1994	Kan. Stat. Ann., Section 38-1565(b),(c)(1995)	
Louisiana	12 months	1991	La. Ch. Code Ann., Arts. 702,710(West 1995)	
Michigan	15 1/2 months <sup>c</sup>	1988	Mich. Stat. Ann., Section 27.3178(598.19a)(Law Co-op Supp. 1996)	
Minnesota	12 months	1993	Minn. Stat. Ann., Section 260.191 Subd. 3b(West Supp. 1997)	
Mississippi	12 months	1985	Miss. Code Ann., Section 43-21-613 (3)(1993)	
New Hampshire	12 months	1987		New Hampshire Court Rules Annotated, Abuse and Neglect, Guideline 39 (Permanency Planning Review) <sup>d</sup>
New Mexico	6 months	1993		State official's statement <sup>e</sup>
New York	12 months	1989	N.Y. Jud. Law, Section 1055(b)(McKinney Supp. 1997)	
Ohio	12 months	1989	Ohio Rev. Code Ann., Sections 2151.353(F), 2151.415 (A) (Anderson 1994)	
Pennsylvania	6 months	1986	42 Pa. Cons. Stat. Ann., Section 6351(e-g)(West Supp. 1996)	
Rhode Island	12 months	1985	R.I. Gen. Laws, Section 40-11-12.1(1990)	

(continued)



**Appendix II**  
**States That Require a Permanency Hearing**  
**Earlier Than the Federal Requirement of 18**  
**Months, as of December 31, 1996**

State	Requirement for holding the permanency hearing <sup>a</sup>	Year law was enacted	State law citation	State policy/ regulation citation
South Carolina	12 months	1983	S.C. Code Ann., Section 20-7-766(Law. Co-op. Supp. 1996)	
Utah	16 months	1995	Utah Code Ann., Sections 78-3a-312,(1996)	
Virginia	12 months <sup>f</sup>	1994	Va. Code Ann., Section 16.1-282(Michie 1996)	
Washington	12 and 18 months <sup>g</sup>	1994	Wash. Rev. Code Ann., Section 13.34.145(3)(4) (West Supp. 1997)	
West Virginia	12 months	1984	W. Va. Code, Sections 49-6-5, 49-6-8(1996)	
Wisconsin	12 months	1981	Wis. Stat. Ann., Sections 48.355(4); 48.38; 48.365(5)(West 1987)	
Wyoming	12 months	1995	Wyo. Stat. Ann., Section 14-6-229 (k)(Michie Supp. 1996)	

<sup>a</sup>Generally, a permanency hearing must be held within the indicated number of months after the child enters foster care.

<sup>b</sup>Colorado law requires that for children under age 6, the permanency hearing must be held within 6 months from the time a child enters care. The time frame to hold the permanency hearing was calculated by adding the days needed to conduct the adjudicatory, dispositional, and permanency planning hearings. This expedited procedures program will be implemented on a county-by-county basis and will be fully implemented in the state by June 30, 2004. For children aged 6 and older, the permanency hearing is held within 18 months of placement.

<sup>c</sup>Michigan's time frame to hold the permanency hearing was calculated by adding the days needed to conduct the preliminary hearing, trial, dispositional hearing, and the permanency hearing.

<sup>d</sup>New Hampshire law is unclear regarding the time frame for holding the permanency hearing; therefore, we relied on the New Hampshire Court Rules Annotated—Statutory Requirements Guidelines for Abuse and Neglect, Guideline 39, which requires that a permanency hearing be held within 1 year of the child's placement in foster care.

<sup>e</sup>New Mexico law does not refer to permanency hearings. It does require that a dispositional hearing be conducted every 6 months to review the permanency plan of the child. During this review, a permanency decision for the child can be made but is not required.

<sup>f</sup>Virginia's time frame to hold the permanency hearing was calculated by adding the number of months required to file the petition to hold the permanency hearing plus the number of days within which the court is required to schedule the hearing.

<sup>g</sup>Washington's law requires the permanency hearing to be held no later than 12 months after a child is placed in foster care for children 10 years old and under. For children over age 10, the permanency hearing must be held no later than 18 months after a child is placed in foster care.

# Comments From the Department of Health and Human Services



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of Inspector General

Washington, D.C. 20201

APR 28 1997

Ms. Jane L. Ross  
Director, Income Security Issues  
United States General  
Accounting Office  
Washington, D.C. 20548

Dear Ms. Ross:

The Department has carefully reviewed your draft report entitled, "Foster Care: State Efforts to Improve the Permanency Planning Process Show Some Promise." The comments represent the tentative position of the Department and are subject to reevaluation when the final version of this report is received.

The Department appreciates the opportunity to comment on this draft report before its publication.

Sincerely,

*Michael Mangano*  
for June Gibbs Brown  
Inspector General

Enclosure

The Office of Inspector General (OIG) is transmitting the Department's response to this draft report in our capacity as the Department's designated focal point and coordinator for General Accounting Office reports. The OIG has not conducted an independent assessment of these comments and therefore expresses no opinion on them.

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Appendix III  
Comments From the Department of Health  
and Human Services

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COMMENTS OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES ON THE  
U.S. GENERAL ACCOUNTING OFFICE'S DRAFT REPORT, "FOSTER CARE,  
STATE EFFORTS TO IMPROVE THE PERMANENCY PLANNING PROCESS SHOW  
SOME PROMISE"

We appreciate the opportunity to review and comment on this very useful report. President Clinton has made efforts to improve the timeliness of permanency placements for children in foster care an important priority of his Administration. On December 14, 1996, the President directed the Secretary of Health and Human Services to conduct wide consultations and report to him with specific recommendations for strategies to move children more quickly from foster care to permanent homes and to meet the goal of at least doubling adoptions and other permanent placements over the next 5 years. The Department's report, entitled **Adoption 2002**, was presented to the President on February 14, 1997. To the extent that the final General Accounting Office (GAO) report reveals innovative and effective models which improve the timeliness of permanency placements for children in foster care, other States and localities may benefit from learning about these initiatives as they seek to achieve the goals contained in **Adoption 2002**.

It would be very helpful to provide readers of this report with a definition of "permanency planning" as well as a clear delineation of the scope of this report so that readers will better understand which aspects of "permanency planning" processes are being examined. We would be appreciative of the opportunity to assist you in developing a definition which will help readers to better understand the purpose of the models discussed in the report.

We suggest that the final report emphasize the importance of implementing the strategies discussed in the report as part of a systemic approach consistent with the multifaceted action plan outlined in **Adoption 2002**. The Department's report contains a comprehensive plan to help States set and meet new adoption targets which include financial incentives, elimination of barriers, reduction of procedural delays, and technical assistance for States, courts, and communities to move children more rapidly from foster care to permanent homes. We are convinced that single focus innovations in child welfare are not sufficient for ensuring successful permanency outcomes for children, and in some cases may result in negative unintended consequences. We therefore suggest that the final report strongly emphasize the importance of States and localities taking a holistic approach, engaging in appropriate capacity building efforts, focusing more attention on outcomes, and conducting ongoing evaluations. We believe the draft report already contains these conclusions. We are requesting a greater emphasis on them in the final report.

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# GAO Contacts and Staff Acknowledgments

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## GAO Contacts

Gale C. Harris, Assistant Director, (202) 512-7235  
Shellee S. Soliday, Evaluator-in-Charge, (404) 679-1950

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## Staff Acknowledgments

In addition to those named above, Diana Eisenstat served as an adviser; David D. Bellis, Octavia V. Parks, and Rathie Bose coauthored the report and contributed significantly to all data-gathering and analysis efforts. Also, Julian P. Klazkin provided legal analysis of state statutes.



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# Related GAO Products

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Child Welfare: States' Progress in Implementing Family Preservation and Support Activities (GAO/HEHS-97-34, Feb. 18, 1997).

Child Welfare: Complex Needs Strain Capacity to Provide Services (GAO/HEHS-95-208, Sept. 26, 1995).

Child Welfare: Opportunities to Further Enhance Family Preservation and Support (GAO/HEHS-95-112, June 15, 1995).

Foster Care: Health Needs of Many Young Children Unknown and Unmet (GAO/HEHS-95-114, May 26, 1995).

Foster Care: Parental Drug Abuse Has Alarming Impact on Young Children (GAO/HEHS-94-89, Apr. 4, 1994).

Residential Care: Some High-Risk Youth Benefit, But More Study Needed (GAO/HEHS-94-56, Jan. 28, 1994).

Foster Care: Services to Prevent Out-of-Home Placements Are Limited by Funding Barriers (GAO/HRD-93-76, June 29, 1993).

Foster Care: State Agencies Other Than Child Welfare Can Access Title IV-E Funds (GAO/HRD-93-6, Feb. 9, 1993).

Foster Care: Children's Experiences Linked to Various Factors; Better Data Need (GAO/HRD-91-64, Sept. 11, 1991).

Child Welfare: Monitoring Out-of-State Placements (GAO/HRD-91-107BR, Sept. 3, 1991).

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